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Belarus: draft resolution

Situation of democracy and human rights in the United States of America

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the provisions of the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other applicable human rights instruments,

Reaffirming that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the international obligations they have freely undertaken,

Mindful that the United States of America is a party to the International Covenant on Civil and Political Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[3] and the International Convention on the Elimination of All Forms of Racial Discrimination,[4]

Recalling that each State party to the International Covenant on Civil and Political Rights undertakes to respect and ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that improving security and the fight against terrorism should be conducted with full respect for human rights and democratic principles,

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[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] Resolution 39/46, annex.
[4] Resolution 2106 A (XX), annex.

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Bearing in mind the European Parliament resolution on Guantanamo of 28 October 2004,[5]

Noting that the United States of America is a member of the Organization of American States and is obliged to observe the human rights standards under the Charter of that Organization, and aware that on 23 December 2003, the Inter-American Commission on Human Rights of the Organization of American States decided that the denial of equal participation by the residents of Washington, D.C., in their own national legislature by duly elected representatives constituted violations of provisions of the American Declaration of the Rights and Duties of Man, adopted by the Organization of American States in 1948,

Taking note of the report of the needs assessment mission on the presidential elections in the United States of America of the Organization on Security and Cooperation in Europe,

1. *Expresses deep concern and dismay*:

(a) At reports from credible sources on systematic violations of fundamental rights and freedoms in the United States, including alarming attacks on press freedom and tight control over news media; arbitrary, incommunicado and secret detentions and arrests; and continued and expanding intolerance, xenophobia and discrimination;

(b) That the electoral system in the United States does not comply with the obligations of the United States under the International Covenant on Civil and Political Rights[2] to provide every citizen with the right and opportunity to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) That despite the report by the United States Commission on Civil Rights on the 2000 presidential election, which concluded that in Florida election policies and practices were in place that prevented some of Florida's residents, particularly African Americans, Spanish and Creole-speaking nationals with language assistance needs and persons with disabilities, from voting and from having their votes counted, such practices have continued during the current presidential election;

(d) That some election techniques, including verification requirements, disproportionately disenfranchise the poor, the elderly, minorities and immigrants;

(e) That despite promising to improve the electoral system after the 2000 presidential election, the United States has failed to reform the system, which remains fundamentally flawed and could disenfranchise some eligible voters and allow manipulation of the results of elections;

(f) That despite the fact that, like other States members of the Organization for Security and Cooperation in Europe, the United States has freely taken on a politically binding commitment to ensure that the election is free and fair, in some respect it is not meeting its commitment by prohibiting independent international and domestic observers of the Organization from monitoring the presidential election in 2004;

[5] See www.europarl.eu.int/home/default_en.htm,P6_TA-PROV(2004)0050.

(g) That the United States continues to violate international standards in its use of the death penalty for people who were under 18 years of age at the time the crimes were committed and for the mentally ill;

(h) That the United States legislative measures to enhance security, including the adoption and implementation of the Patriot Act, have led to the limitation and abuse of vital civil rights and freedoms of nationals of the United States;

(i) About information on the deprivation of the rights of an undisclosed number of persons, including minors, detained as a result of military operations launched in Afghanistan and being held at present in detention camps located in the United States naval base in Guantanamo, as well as about the forced disappearances of some detainees;

(j) At the continued reports of ill-treatment, torture, death in custody and excessive use of force by police and prison officers, including the use of isolation, dogs, sensory and sleep deprivation, death threats and other forms of torture or cruel inhuman or degrading treatment as interrogation techniques;

2. *Urges* the Government of the United States of America:

(a) To put an end to the violations of human rights mentioned above;

(b) To become a party to all core international human rights instruments, thus allowing the international community to monitor the situation of human rights in the United States in full;

(c) To fully cooperate with special procedures of the Commission on Human Rights to ensure that all necessary measures are taken to investigate fully and impartially all cases of arbitrary detention, forced disappearance, summary execution and torture and that perpetrators are brought to justice before an independent tribunal and, if found guilty, punished in a manner consistent with the international human rights obligations of the United States;

(d) To bring the electoral process and legislative framework into line with international standards;

(e) To take the necessary steps, in accordance with its constitutional process and with the provisions of the International Covenant on Civil and Political Rights, as well as with respect to the recommendations made by the Inter-American Commission on Human Rights, to grant the residents of Washington, D.C., an effective remedy, which includes adopting the legislative or other measures necessary to guarantee to them the effective right to participate, directly or through freely chosen representatives and in general conditions of equality, in their national legislature;

(f) To abolish the death penalty for people who were under the age of 18 at the time the crimes were committed and for the mentally ill;

(g) To end immediately the practice of incommunicado and secret detentions and ensure that conditions of detention conform to international standards for the treatment of prisoners and take into account the needs of members of particularly vulnerable groups;

(h) To implement a zero-tolerance policy on torture by investigating all allegations of torture and holding perpetrators of torture accountable so as to promote a culture in which torture is regarded as unacceptable, criminal behaviour;

(i) To invite all relevant human rights monitoring mechanisms, especially the Special Rapporteurs of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment and on extrajudicial, summary or arbitrary executions, and the Working Groups of the Commission on Enforced or Involuntary Disappearances and on Arbitrary Detention to visit all places of detention and to grant them unlimited access to all detention centres;

(j) To take urgent measures to bring legislation on national security into compliance with United States obligations under relevant international instruments;

(k) To bring the actions of its police and security forces into conformity with its obligations under the International Covenant on Civil and Political Rights as well as other relevant international standards;

3. *Insists* that the Government of the United States of America cooperate fully with and extend invitations to all the mechanisms of the Commission of Human Rights, including the Working Groups on Arbitrary Detention and on Enforced or Involuntary Disappearances, and the Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment and on extrajudicial, summary or arbitrary executions;

4. *Decides* to consider this question at its sixtieth session, under the same agenda item.